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FCC Issues Tentative Meeting Agenda Addressing Spoofing and Disabilities Access Before Federal Government Shutdown
Kelley Drye & Warren LLP

Just before suspending most operations due to the ongoing partial federal government shutdown, the FCC announced its tentative agenda for its next...

It's Official! Final Public Approval Regulations Now Reflect the 21st Century
Bracewell LLP

Treasury has released final regulations (the "Final Regulations") relating to the public approval requirements for private activity bonds (aka the...

The 2018 ICSC New York Deal Making Conference and The Emergence of Digital

Goulston & Storrs PC

The ICSC New York Deal Making Conference ("NYDMC") was held at the Jacob Javits Convention Center from December 4 - 6. NYDMC is ICSC's second largest...

Michigan Small Wireless Communications Facilities Deployment Act Signed Into Law and FCC Small Cell Order Becomes Effective Soon Michigan

Dickinson Wright

On December 12, 2018, Governor Snyder signed the small wireless communications facilities deployment act, Act No. 365 of the Public Acts of 2018 (the...

The Benefits of Federal Trademark Registration

Michael Best & Friedrich LLP

While the Internet offers businesses a lot of new opportunities, it can also lead to issues with trademark infringement...

Retailers Beware: Santa Claus is Making a Come Back

FisherBroyles LLP

Many of us were raised to believe that Santa Claus delivers our gifts before we wake up on Christmas Day. If you believe, behave, and send your wish...

The Tricky World of Cyberliability Insurance

Robinson & Cole LLP

2018 was the year of hearing from clients that they are convinced that they "have cyberliability insurance" to finding out that they really don't...

Why Companies Should Start Treating Social Media Influencers Like Celebrities

Crowell & Moring LLP

Companies should ensure that influencers are aware that sharing any image containing copyright-protected works might be infringing on third-party...

National Federation of the Blind Sues Epic Systems: New Chapter in Accessibility Litigation for Employers and Technology Vendors

Fredrikson & Byron PA

In December 2018, the National Federation of the Blind (NFB) sued Epic Systems, a provider of one of the most widely-used electronic medical record...

True Lender: A Potential Ready Remedy

Pepper Hamilton LLP

Online lenders continue to be plagued by "true lender" legal issues, including lawsuits from state Attorneys General and private litigants...

January Regulatory Dates for Broadcasters - The Shutdown Does Not Put Everything on Hold

Wilkinson Barker Knauer LLP

We typically publish our article about upcoming regulatory dates before the beginning of each month, but this month, the looming FCC shutdown and...

Beyoncé's Company Sued Over Website Accessibility
Frankfurt Kurnit Klein & Selz PC

On January 3rd, Beyoncé's company Parkwood Entertainment LLC was hit with a class action lawsuit alleging that its website (www.beyonce.com) denies...

Hack of Electrum Wallets Reaps over 200 Bitcoin (around \$750,000)
Robinson & Cole LLP

The scheme worked like this: the attackers added anywhere between 33 and 50 malicious servers to the Eletrum wallet network. When legitimate owners...

Get a Head Start in 2019 - Leveraging Your Cyber Liability Insurance
Epstein Becker Green

As 2019 begins, companies should seriously consider the financial and reputational impacts of cyber incidents and invest in sufficient and...

Not Just Fun and Games: The Demise of Toys "R" Us, Inc. and the Changing Face of Retail

Goulston & Storrs PC

This year marks the first Christmas in modern memory without Toys "R" Us, Inc. The loss of the international toy seller leaves billions of dollars in...

Monitoring Mobility—The Current and Future Regulatory Landscape for Advanced Automotive Tech

Wilmer Cutler Pickering Hale and Dorr LLP

"Now the most advanced tech you own is in your driveway" announces the closing line of a 2018 Nissan commercial. As cars have become synonymous with...

FCC Seeks Comment on GM Request for Waiver of RTT Requirements for Autonomous Vehicle Chat Feature

Kelley Drye & Warren LLP

The FCC issued a Public Notice on December 26, 2018 seeking input on a petition from General Motors Holding LLC ("GM") that requests partial waiver of...

On point. - FINRA Communications Rules

Mayer Brown

Rule 2210 governs three categories of "communications" by FINRA member firms: institutional communications, retail communications and correspondence...

HHS Issues Cybersecurity Practices for Health Care Industry

Robinson & Cole LLP

Just before the New Year, the Department of Health and Human Resources (HHS) released voluntary cybersecurity practices for health care organizations...

SEC Issues Report on Exam Sweep Focused on Electronic Messaging

AUM Law

On December 14, the Office of Compliance Inspections and Examinations (OCIE) at the U.S. Securities and Exchange Commission (SEC) published a Risk...

SEC Issues Opinion Providing Guidance to Online Platform Operators

Baker McKenzie

The Securities and Exchange Commission issues opinion providing guidance to online platform operators to avoid foreign equity restrictions on...

Privacy Tip #171 - Review and Control Your Online Footprint

Robinson & Cole LLP

It's a New Year, and a worthy New Year's resolution (besides shedding those pesky 10 pounds) is to review your online footprint and look for ways to...

Brands warned over legal issues on alleged "scam" gambling platform

MysteryBrand

World Trademark Review

A recently-launched gambling website, MysteryBrand, has caused controversy this week by undertaking paid promotions on major YouTube channels with...

School Safety Commission Issues Report and Recommendations

Atkinson Andelson Loya Ruud & Romo

On December 18, 2018, the Federal Commission on School Safety—created by President Donald Trump in March 2018 after the Parkland, Florida school...

HHS Issues Voluntary Cybersecurity Guidance for Health Care Industry

FisherBroyles LLP

Just before the start of the New Year, the Department of Health and Human Services issued "Health Industry Cybersecurity Practices: Managing Threats...

Pass It On: Locks Don't Prevent Leaks

Sheppard Mullin Richter & Hampton LLP

It is common for individuals to see the "padlock icon" on their browser bar when visiting a website, and assume they are safe. Sadly, this assumption...

2018: the year in privacy

DLA Piper

2018 was a landmark year in state consumer privacy legislation - the most important in recent memory. The year began with states updating - or in two...

IT & Data Protection



Multistate Settles with Neiman Marcus Over 2013 Data Breach District of Columbia

Kelley Drye & Warren LLP

43 State Attorneys General and the District of Columbia announced yesterday a settlement with Neiman Marcus Group LLC resolving the states'...

**FINRA Offers Member Firms Continued Guidance on Cybersecurity
King & Spalding LLP**

On December 20, 2018, the Financial Industry Regulatory Authority (FINRA) issued a "Report on Selected Cybersecurity Practices" (the "Report") as part...

**Robert Rogers' Standing Orders of the 75th Ranger Regiment Adapted for
Cyber Warfare**

Nelson Mullins Riley & Scarborough LLP

Robert Rogers was the forebear of the United States Army Rangers. His rules have been adapted and modernized and are featured in the United States...

A Closer Look at California's New Privacy Regime: Two Critical Definitions

California

Patterson Belknap Webb & Tyler LLP

Businesses covered by the recently enacted California Consumer Privacy Act of 2018 (CCPA) are scrambling to comply with the statute, which becomes...

**Pennsylvania High Court Decision Regarding Data Breach Increases Litigation
Risk for Companies Storing Personal Data** Pennsylvania

Ropes & Gray LLP

On November 21, 2018, the Supreme Court of Pennsylvania ruled in Dittman v. UPMC d/b/a The University of Pittsburgh Medical Center that an employer...

**California to Hold Public Forums on California Consumer Privacy Act as Part of
Rulemaking Process** California

Squire Patton Boggs

California's Consumer Privacy Act of 2018 ("CCPA") which was signed into law in June 2018 will take effect on January 1, 2020...

SEC OCIE National Exam Program Examination Priorities for 2019

Winston & Strawn LLP

On December 20, 2018, the SEC's Office of Compliance Inspections and Examinations ("OCIE") released its annual list of examination priorities for 2019...

It's Blacked Out, But is it Really Redacted?

Sebaly Shillito + Dyer, A Legal Professional Association

Defense counsel in the high profile criminal trial for former President Trump Campaign Manager Paul Manafort provided all lawyers, paralegals and...

**All Eyes on E-Commerce: Largest Retail Law Developments Focus on Online
Shopping** New Jersey

Steptoe & Johnson LLP

As we put another year to rest and forge into 2019, it is helpful to look back at the biggest retail developments in 2018. Notably, almost all relate...

Evidence of Improvement for Patentability

Pearl Cohen Zedek Latzer Baratz

There are different paths to overcoming an "Alice" (Alice Corp. Pty. Ltd. v. CLS Bank Int'l, 134 S.Ct. 2347 (2014)) related 35 U.S.C. § 101 rejection...

Prioritizing Cybersecurity to Protect Client Information from Data Breaches

EffortlessLegal

Holly Urban, CEO of EffortlessLegal Are you taking "reasonable efforts" to keep your clients' information safe from a data breach? In 2017, the ABA...

Energy Trends to Watch in 2019

Mintz

The New Year has officially arrived, bringing with it exciting goals and predictions for the clean energy industry around the world. According to...

Healthcare Transactions: Year in Review

Bass, Berry & Sims PLC

2018 marked a year of continued robust healthcare merger and acquisition activity, with deal volume surpassing that of 2017. The dollar...

Senate Bill Demonstrates Continued Interest in the Federal Acquisition Supply Chain

Morrison & Foerster LLP

For years, United States security agencies have recognized a threat to government information technology systems posed by contractor supply chains...

HHS Issues Cybersecurity Guidance for Healthcare Organizations

Baker & Hostetler LLP

Cyberattacks continue to rise across industries, and healthcare is no different. Eighty percent of U.S. physicians reported having experienced some...

The Murky Waters of Authorship in a Software World

Gordon Rees Scully Mansukhani

It is quite common for parties to enter into agreements to develop software. Often times, one party has a general understanding of how they would...

The Latest on Predictive Coding

Reed Smith LLP

We last reviewed the case law on predictive coding (also called "technology assisted review" ("TAR")), about 2 ½ years ago. Back then, we concluded:...

Privacy and Cybersecurity Issues to Watch in 2019

Jackson Lewis PC

Privacy and cybersecurity risks continue to emerge for organizations large and small. While by no means exhaustive, we briefly discuss some key issues...

Data Privacy in a Post-Murphy Landscape Indiana**O'Melveny & Myers LLP**

This alert is the sixth in a series of alerts discussing updates and potential developments in light of the Supreme Court's decision in *Murphy v...*

Spotlight on Precise Location California**Loeb & Loeb LLP**

The office of L.A. City Attorney Michael Feuer recently filed a complaint in Los Angeles County Superior Court against the makers of the Weather...

Regulatory Highlights of 2018 Ontario British Columbia**AUM Law**

The money laundering and terrorist financing environment has evolved substantially in the past few years. Registrants, exempt advisers and exempt...

Episode 245: "Pay no attention to the guns, the flashbang, and the handcuffs. You're free to go at any time." Illinois**Step toe & Johnson LLP**

Nate Jones, David Kris, and I kick off 2019 with a roundup of the month of news since we took our Christmas break. First, we break down the utterly...

Recent settlement with the OCR highlights the importance of HIPAA compliance when disclosing protected health information to vendors**Reed Smith LLP**

A Health Insurance Portability and Accountability Act of 1996 (HIPAA) covered entity's recent settlement with the U.S. Department of Health and Human...

SEC Announces Examination Priorities for 2019**Sidley Austin LLP**

On December 20, 2018, the Office of Compliance Inspections and Examinations (OCIE) of the U.S. Securities and Exchange Commission (the SEC) released...

HHS Releases Cybersecurity Guidance for Healthcare Organizations**Sidley Austin LLP**

On December 28, 2018, the U.S. Department of Health and Human Services (HHS) released a four-volume cybersecurity guidance document for healthcare...

Digitalization and the challenge of KYC for financial institutions**Kramer Levin Naftalis & Frankel LLP**

Procedures of due diligence are an essential part of compliance programs. As stated in the French Anti-corruption Agency 'recommandations (FAA) : "if...

2018 the year in privacy

DLA Piper

2018 was a landmark year in state consumer privacy legislation - the most important in recent memory. The year began with states updating - or in two...

California Department of Justice to Hold Six Public Forums on the CCPA

California

Hogan Lovells

The California Attorney General Xavier Becerra and the California Department of Justice will hold six public forums about the California Consumer...

FINRA's 2018 Report on Cybersecurity Practices - Insider Threats If Your Program Only Focuses on External Threats, You are Only Halfway There

McGuireWoods LLP

On December 20, 2018, the Financial Industry Regulatory Authority (FINRA) released a report on cybersecurity practices for broker-dealers. Today's...

Marriott Hotel reveals further details about records impacted by data breach; revises down number of affected records

K&L Gates

Late last year the Marriott Hotel announced that it had suffered a data breach, which affected approximately 500 million guests who made a hotel...

SEC Staff Announces 2019 OCIE Examination Priorities

Proskauer Rose LLP

On December 20, 2018, the staff of the Office of Compliance Inspections and Examinations (OCIE) of the SEC announced its 2019 examination priorities...

California and European Privacy FAQs: When would a "service provider" be considered a "business" for the purposes of the CCPA?

California

Bryan Cave Leighton Paisner LLP

The California Consumer Privacy Act ("CCPA") was enacted in early 2018 as a political compromise to stave off a poorly drafted, and plaintiff's...

Federal Court Finds No Standing to Sue Based on Generic Privacy Invasion

Illinois

Michael Best & Friedrich LLP

On December 29, 2018, a court in the Northern District of Illinois granted summary judgment in favor of Google after finding that the plaintiffs...

Waymo Autonomous Vehicle Ride-Share Service Raises Issues for Employers

Fisher Phillips

After a decade of testing and over 10 million miles driven on public roads, Waymo officially launched Waymo One, the country's first commercial...

Do the New Health Cybersecurity Guidelines Set a New Standard for Reasonable and Appropriate Safeguards?

Quarles & Brady LLP

Nothing says happy holidays and happy New Year like a four-volume cybersecurity publication. On December 28, 2018, the U.S. Department of Health and...

Dataresolution.net Victim of Ryuk Ransomware Attack

Robinson & Cole LLP

Dataresolution.net, a cloud hosting provider that reportedly supports over 30,000 businesses worldwide appears to be another recent victim of the...

Fintech in Brief: Issues to Consider in Connection with the CFPB's Proposed Product Sandbox and Policy Changes for No-Action Letters

Nutter McClennen & Fish LLP

Bank, nonbank, and Fintech providers of consumer financial products and services may be able to reduce their exposure to compliance risk under the...

Financial Reporting in 2019: What Management and the Audit Committee Need to Know (and Ask)

Weil Gotshal & Manges LLP

Top officials and staff from the SEC, the PCAOB and the FASB gathered in mid-December in Washington, D.C. at the 2018 AICPA Conference on Current SEC...

Directors and Officers Settle Over Yahoo Hack: A New Chapter in Derivative Litigation? California

Patterson Belknap Webb & Tyler LLP

Yesterday, a Superior Court judge in Santa Clara, California approved what is believed to be the first monetary award to a company in a data...

Global Media Technology and Communications Quarterly - Autumn/Winter 18
Hogan Lovells

New laws and proposals are being introduced all around the world focusing on the protection of privacy and data in the Digital Economy. Hot on the...

Expanded CFPB Sandbox Promises Greater Protections for Fintech and Other Financial Services Companies

O'Melveny & Myers LLP

A little more than four months after the Consumer Financial Protection Bureau (CFPB) announced the appointment of a new assistant director to lead the...

New ILMT Policy Could Increase Financial Exposure in IBM Audits

Scott & Scott, LLP

IBM may be making it more difficult for IBM customers to qualify for sub-capacity licensing in virtualized environments...

City Attorney of Los Angeles Sues Popular Weather App Claiming Deceptive Collection and Sharing of Geolocation Data

Proskauer Rose LLP

Yesterday, Los Angeles City Attorney Mike Feuer filed an unfair competition lawsuit on behalf of the People of the State of California against the...

Uber's Self-Driving Cars Set To Return To The Road In 2019: Reports

Fisher Phillips

Gizmodo just published a story confirming that Uber has been "given the green light" to resume its testing of self-driving cars in Pennsylvania...

Electric Vehicle Tipping Point

Mintz

For the first time ever, electric vehicle (EV) sales growth is surpassing internal combustion engine (ICE) vehicle sales growth in China. After ICE...

CFPB releases final policy on disclosure of HMDA data

Buckley Sandler LLP

On December 21, the CFPB announced final policy guidance covering the loan-level HMDA data the Bureau intends to make publicly available in 2019. The...

Robots and OSHA

Cozen O'Connor

In Will Smith's hit movie, I, Robot set in 2035 robots were allegedly governed by the Three Laws of Robotics which were originally created by Isaac...

Creating a Meaningful and Standardized Contract Risk Assessment Plan

ContractWorks

The average Fortune 2000 company may be a party to as many as 40,000 active contracts, each one with its own set of authorities, enforcement, and...

Leveraging technology as a driver for improved client experience

HighQ

As a consultant at a legal technology company, I obviously am a believer in the ability of technology to help make the practice of law more...

New Ohio Standard Authorization Forms for Use and Disclosure of Protected Health Information Ohio

Dinsmore & Shohl LLP

Recently, the Ohio Department of Medicaid (ODM) finalized Ohio Administrative Code 5160-1-32.1 (the Final Rule) which provides two standard...

On Legal Teams and E-Discovery Processing

Kilpatrick Townsend & Stockton LLP

The Electronic Document Reference Model (EDRM) is an open source framework for the E-Discovery process...

Pennsylvania Supreme Court Permits Negligence Claim To Proceed In Data Breach Class Action Pennsylvania

Poyner Spruill LLP

In finding a common law duty to protect employees' personal data, the Pennsylvania Supreme Court has unexpectedly, and dramatically, altered the...

The New Year Rings in New Requirements for NFA Member Asset Managers
Ropes & Gray LLP

In the final weeks of 2018, the National Futures Association ("NFA") issued new requirements applicable to asset managers who are members of the NFA...

Takeaways from the AICPA's 2018 Conference on Current SEC and PCAOB Developments

Paul Weiss

In mid-December 2018, speakers and panelists representing regulatory and standard-setting bodies as well as auditors, registrants, securities counsel...

2019: Challenges and Opportunities

Freshfields Bruckhaus Deringer

As we head into 2019, we wanted to share with you, based on our worldwide advice to clients, some of the likely challenges and opportunities we see...

HHS Releases Cybersecurity Guidance for Healthcare Organizations

Sidley Austin LLP

On December 28, 2018, the U.S. Department of Health and Human Services (HHS) released a four-volume cybersecurity guidance document for healthcare...

ERISA Newsletter

Proskauer Rose LLP

As we closed the door on 2018, we were met by two surprising decisions—one from a panel of the Second Circuit addressing employer...

When the U.S. Government Declares Companies Cyber-Insecure, We Should All Pay Attention

Sheppard Mullin Richter & Hampton LLP

The U.S. Government is increasingly taking the initiative to alert companies to the cybersecurity risks of certain foreign corporations. Whether by...

2019 is the Year of . . . CCPA? California

Sheppard Mullin Richter & Hampton LLP

Everyone who has been paying attention to privacy news knows that January 1, 2020 is the implementation date of the California Consumer Protection Act...

San Diego School System Hit Hack Exposes Data of More than 500,000 Students

Robinson & Cole LLP

The San Diego School System has notified current and former students, as well as some employees, that hackers compromised its system and obtained...

Three Questions to Assess How Detailed Your Organization's Website Policy Should Be

Burns & Levinson LLP

If your organization has a website, it probably needs a publicly posted privacy notice explaining how personal data is (or is not) collected, used...

New Year, New Vermont Law for Data Brokers Vermont

Reed Smith LLP

Effective January 1, 2019, a new Vermont law imposes data security and annual disclosure obligations on data brokerage companies (e.g., Acxiom...

The FDIC Considers Modernizing its Brokered Deposit Rules

K&L Gates

Brokered deposits is a hot topic once again. On December 19, 2018, the Federal Deposit Insurance Corporation (the "FDIC") published an advance notice...

Two More Cyber Attacks Reported - Ransomware Suspected at Several Major News Organizations and Hackers Threaten to Release 9/11 Insurance and Litigation Files

Robinson & Cole LLP

Late last week, several major news organizations were hit with a ransomware attack believed to involve Ryuk ransomware that affected several Tribune...

Financial Services Update, Vol. 14, Issue 1

Winston & Strawn LLP

Unquestionably, 2019 is set to be an exceptional year, especially in the field of financial services. The United Kingdom submitted on 29 March 2017...

Cybersecurity, Privacy and Data Protection Alert: A Guide to Protecting Your Data

Phelps Dunbar LLP

Data most at risk includes Social Security numbers, health-related information, birth dates, financial data, PCI data, driver's licenses, passport...

Special Alert: FCC Announces Reassigned Numbers Database

Manatt Phelps & Phillips LLP

On December 12, 2018, the Federal Communications Commission "[took] another important action to curb the tide of unwanted telephone calls by...

GAO studies fintech trends, recommends need for clarity on use of alternative data

Buckley Sandler LLP

In December, the Government Accountability Office (GAO) issued a report entitled "Financial Technology: Agencies Should Provide Clarification on..."

Former Phillips 66 Employee Accused of Trade Secrets Theft

Winston & Strawn LLP

On December 21, 2018, federal prosecutors announced that Hongjin Tan, a Chinese national and Oklahoma resident, had been arrested for stealing battery...

Cy pres-only class settlements - anticipated Supreme Court decision may never come to pass

Kilpatrick Townsend & Stockton LLP

On April 30, the U.S. Supreme Court granted certiorari in a Ninth Circuit case approving a cy pres-only class action settlement. As we reported in a...

Regulating Stablecoins: Certain Stablecoins are Now Subject to the Texas Money Services Act

K&L Gates

On January 2, the Texas Department of Banking ("DoB") updated Supervisory Memorandum - 1037 ("Guidance") which provides guidance regarding the...

Public Forums Underway in California Consumer Privacy Act Rulemaking

Bryan Cave Leighton Paisner LLP

The California Consumer Privacy Act ("CCPA"), was passed last summer as a compromise to avoid a highly restrictive privacy regime slated to appear on...

AVs Help Amazon Smash Holiday Season Sales Record

Fisher Phillips

Before your Christmas leftovers were even close to being eaten up, Amazon had already released a press release touting record-breaking sales figures...

The CFTC Wants to Know More About Ether: Your Feedback Could Impact Ether Futures in 2019

Orrick, Herrington & Sutcliffe LLP

The CFTC is giving the public an opportunity to influence its views as they relate to Ethereum, Ether or similar virtual currencies or projects. On...

OCIE Publishes 2019 Enforcement Priorities

Morrison & Foerster LLP

The SEC's Office of Compliance Inspections and Examinations (OCIE) published its 2019 examination priorities on December 20, 2018. Although OCIE's...

Bona Fide Prescriber-Patient Relationship Requirement for Controlled Substance Prescribing Effective January 4, 2019

Dykema Gossett PLLC

Public Act 247 of 2107, MCL § 333.7303a(2), requires that except as provided in exceptions detailed in administrative rules, a prescriber must...

Courts Remain Skeptical of Certifying Data Privacy Class Actions

Baker & Hostetler LLP

In this era where there appears to be a new data security incident announced each month, there is surprisingly little class certification...

The Laws of AI and Machine Learning

Taylor Wessing

AI has the potential not only to change, but to newly define large parts of how we live, interact and do business;...

New Year, New Data Security Requirement: South Carolina Adopts New Data Security Law

Bradley Arant Boult Cummings LLP

On January 1st, South Carolina became the first state to adopt the model insurance data security law requiring certain insurance licensees to...

Offer and Sale of Digital Assets and Cybersecurity Among the Focus of SEC OCIE 2019 Examination Priorities

Katten Muchin Rosenman LLP

In its annual report of examination priorities issued in late December 2018, the Securities and Exchange Commission's Office of Compliance...

Ready Tech Settles Privacy Shield Case with FTC

Reed Smith LLP

Late last year, the Federal Trade Commission ("FTC") settled another enforcement action over false claims under the EU-U.S. Privacy Shield framework...

NASAA Proposes Investment Adviser Model Cybersecurity Rule

Mayer Brown

On September 23, 2018, the North American Securities Administrators Association, Inc. ("NASAA") released a proposed model rule for state-registered...

Clarity and Progress at the USPTO: The USPTO Publishes Revised Guidance on Patent Eligible Subject Matter

Knobbe Martens

On Monday, January 7, 2019, a revised guidance for subject matter eligibility (USPTO Section 101 Revised Guidance) will take effect at the USPTO...

New York governor creates task force to study digital currency industry New York
Buckley Sandler LLP

On December 21, the New York governor signed A08783, which creates a digital currency task force to conduct a comprehensive review related to the...

Neiman Marcus Settles Data Breach Litigation for \$1.5 Million District of Columbia
Robinson & Cole LLP

Neiman Marcus Group LLC has settled an investigation of its 2013 data breach with 43 states and the District of Columbia for \$1.5 million. The data...

Northern District of Calif. Holds Plaintiff's Medical Records are Not Discoverable in FCRA Case California

Troutman Sanders LLP

The Northern District of California recently held that medical records are not discoverable in Fair Credit Reporting Act cases when a plaintiff only...

California and European Privacy FAQs: If a Service Provider has already agreed to a Data Processing Addendum that complies with the GDPR, is a business required to renegotiate the contract again for the CCPA? California

Bryan Cave Leighton Paisner LLP

The California Consumer Privacy Act ("CCPA") was enacted in early 2018 as a political compromise to stave off a poorly drafted, and plaintiff's...

European Commission Provides a Last-Minute Holiday Gift
Frost Brown Todd LLC

With the hustle and bustle of the holiday season, it was easy to overlook the issuance of the written report from the European Commission concerning...

USPTO Updates 112 Guidance: Presumption Shift of Functional Limitations
McKee Voorhees & Sease PLC

Recently, the United States Patent & Trademark Office (USPTO) has announced plans to update their guidance on functional claim language under 112 and...

Top Cybersecurity Risks for Healthcare Industry
Robinson & Cole LLP

Clearwater Compliance's newest CyberIntelligence Insight Bulletin concludes that the top three cybersecurity risks for the healthcare industry, which...

Lawsuit Alleging that LATX Tokens are Securities Survives Motion to Dismiss New Jersey

Proskauer Rose LLP

On December 10th, 2018, a U.S. District Judge for the District of New Jersey denied Latium Network, Inc. ("Latium") and its co-founders' motion to...

12 Attorneys General Sue for 2015 Breach in First Case of Its Kind North Carolina

Poyner Spruill LLP

North Carolina joined Attorneys General from a dozen states in suing Indiana based Medical Informatics Engineering (MIE) and affiliates. The...

GAO Recommends Enhancements to TSA's Cyber and Physical Security Programs**Crowell & Moring LLP**

Just as 2018 came to a close, the U.S. Government Accountability Office (GAO) released a report making recommendations to the Transportation Security...

**2018 Year-End FDA Medical Device Highlights Include Proposed Changes
Barnes & Thornburg LLP**

In case you thought your year-end was busy, there was quite a bit of activity at the FDA's Center for Devices and Radiological Health (CDRH). This...

**Why Should You Be Thinking About Your Employees' Workplace Privacy?
Troutman Sanders LLP**

Do you monitor your employees using technology? Would you consider making them wear wristbands or other devices capturing their every move? This...

2019: The Year Ahead for Employers**Jackson Lewis PC**

Labor and employment law saw a flurry of activity in 2018 as the Trump Administration's deregulation and pro-business policies took effect across the...

Former Employees' Retention of Login Credentials Can Cost You**Graydon Head & Ritchey LLP**

HHS announced another HIPAA settlement resolution at the end of last year, this time with Pagosa Springs Medical Center, a Colorado Hospital, for a...

**If You Have Suggestions for Improving the HIPAA Privacy or Security Rule,
Now Is the Time to Speak Up****Dykema Gossett PLLC**

On December 14, 2018, the U.S. Department of Health and Human Services' Office for Civil Rights (OCR) published a Request for Information (RFI) about...

HHS Releases Voluntary Healthcare Cybersecurity Practices**Holland & Knight LLP**

On Dec. 28, 2018, the U.S. Department of Health and Human Services (HHS) announced the release of voluntary cybersecurity practices and tools for the...

FINRA Publicizes Effective Practices at Members to Mitigate Cybersecurity Risks**Katten Muchin Rosenman LLP**

The Financial Industry Regulatory Authority released a report on effective cybersecurity practices it observed at member firms related to branch...

Application Process for InCK and MOM Models Imminent
Manatt Phelps & Phillips LLP

During 2018, the Center for Medicare & Medicaid Innovation (CMMI) at the Centers for Medicare & Medicaid Services (CMS) announced two new...

HIPAA Breach Notification: When and How to Self-Report
Holland & Hart LLP

So you just discovered that protected health information ("PHI") from your organization was improperly accessed or disclosed. Are you required to...

Ninth Circuit Affirms Dismissal of Complaint Against Facebook for Collection of Browsing Data
Quarles & Brady LLP

They see you when you're sleeping, they know when you're visiting health care-related websites... In December 2018, in the unpublished opinion of Smith...

How SEC's List of Examination Priorities for 2019 Will Affect Private Fund Advisers
Jones Day

The Office of Compliance Inspections and Examinations ("OCIE") of the U.S. Securities and Exchange Commission has released its...

10 Tips for 10-Ks and Proxy Statements
Mayer Brown

The SEC adopted "Disclosure Update and Simplification" amendments on August 17, 2018, which became effective on November 5, 2018...

HIPAA and Health Care Data Privacy - 2018 Year-in-Review
Mintz

Today, we're looking back at HIPAA and other privacy and security developments in 2018. This past year saw continued HIPAA enforcement (including the...

OCR seeks public input on potential modifications to the HIPAA Rules
Thompson Coburn LLP

On December 14, 2018, the Office for Civil Rights (OCR) published a Request for Information (RFI) that seeks public input on how the agency might...

Physician TV Interview Incurs \$125,000 HIPAA Fine
Poyner Spruill LLP

No human instinct is as ingrained as the desire to defend oneself against unjust criticism. But that instinct must be tamed where personal health...



Impact of Government Shutdown on Scope of FDA, FSIS, and CSPC Activities
Hogan Lovells

On December 22, 2018, funding expired for certain agencies within the federal government, including the Food and Drug Administration (FDA), the U.S...

Subpoenas or Information Requests from Congressional Committees May Have Serious Consequences

Bryan Cave Leighton Paisner LLP

Washington, D.C., is bracing for a new round of congressional investigations as a result of the November 2018 election changing control of the House...

Antitrust Trends in 2019: Enforcement Watch List for the Year to Come
Cooley LLP

As 2019 kicks off, the Cooley antitrust group highlights 10 recent developments and trends corporate counsel should be aware of - from the US Supreme...

A Review of the Most Popular Posts From 2018

Finnegan, Henderson, Farabow, Garrett & Dunner LLP

Having said goodbye to 2018 a week ago, we thought we would take a look back at the most popular posts from the year. From posting about changes in...

Illinois Amends Payday Loan Reform Act Verification Fee Authority Illinois

Hudson Cook LLP

On January 4, 2019, Illinois Governor Bruce Rauner signed HB 4873 into law. The new law modifies the Payday Loan Reform Act, which requires lenders to...

False Claims Act: 2018 Year-in-Review Minnesota New York District of Columbia

Wilmer Cutler Pickering Hale and Dorr LLP

Federal False Claims Act (FCA) recoveries in fiscal year 2018 amounted to \$2.88 billion, down by roughly \$600 million from the prior year and dropping...

Mueller, 2020 Politics Undermine Efforts at Bipartisanship in 2019

Baker & Hostetler LLP

Fresh-from-the-campaign idealism will collide with old-fashioned partisanship on Capitol Hill today as more than 100 first-time lawmakers are sworn...

For-profit education company forgoes collection on almost \$494 million in student loans Illinois

Buckley Sandler LLP

On January 3, an Illinois-based for-profit education company settled with 49 state Attorneys General, agreeing to forgo collection of nearly \$494...

Uncertainty Returns to the Employment Landscape in 2019

Ogletree Deakins

The midterm elections that took place in November 2018 have the employer community wondering what to expect in 2019. This article will examine how...

Legislation & Politics - December 2018 Michigan Ohio**Winston & Strawn LLP**

General Motor Co.'s (GM) CEO Mary Barra met with Ohio Senator Sherrod Brown (D), Senator Rob Portman (R), and Representative Tim Ryan (D) in...

The Beltway Briefing - New Year, New Congress, Same Government Shutdown

Audio

Cozen O'Connor

On our first Beltway Briefing of the new year, Howard Schweitzer, Blake Rutherford, and Kaitlyn Martin discuss where Washington stands on Day 19 of...

A Year in Review: Looking Back on the Forward Movement of the Cannabis Industry in 2018**Burns & Levinson LLP**

As we begin this New Year, we're taking some time to reflect on all that's transpired in the cannabis arena over the past 12 months. It's clear that...

Newly Passed Congressional Sexual Harassment Bill Aims to Set a "Positive Example" for Nation**Crowell & Moring LLP**

On December 13, 2018, Congress passed S. 3749, a bipartisan, bicameral bill to amend the Congressional Accountability Act of 1995 by providing new...

Time for 2019 Manufacturing Law Predictions: Drum Roll Please!**Robinson & Cole LLP**

The election of President Trump and a Republican controlled House and Senate in November 2016 brought a roll-back back from the aggressive...

PETA Weighs in on Live-Animal Mascots**Duane Morris LLP**

In typical fashion, People for the Ethical Treatment of Animals (PETA) recently called for an end to live Animal mascots at collegiate sporting...

Judge Blocks Enforcement of Some Aspects of Maryland's Online Political Advertising Law**Frankfurt Kurnit Klein & Selz PC**

Maryland's Online Electioneering and Accountability Act expanded the state's existing campaign finance laws to require online platforms to publish and...

Las asociaciones público-privadas (P3) para el sector de la educación superior siguen ganando impulso

Bilzin Sumberg

La semana pasada, el Consejo Directivo de Michigan State University autorizó la negociación de un acuerdo de asociaciones público-privadas (P3) con el...

Prop 65 Plaintiffs Ring In New Year with Aggressive Enforcement California**Kelley Drye & Warren LLP**

Proposition 65 plaintiff groups are starting 2019 with a practically unprecedented bounty of enforcement actions underway. According to information...

It's in Washington's Best Interests to Engage China as a Partner, Not as an Adversary**Garvey Schubert Barer**

In March 1979, the American-flagged ship Letitia Lykes sailed into Shanghai harbor, where it was festooned with flowers and greeted by diplomats...

Status of US-UK 123 Agreement Regarding Nuclear Trade**Morgan Lewis**

The United Kingdom's exit from the European Union, set for March 29, 2019, will also include withdrawal of the United Kingdom from the European...

H-1B Visa Filing Season Starts April 1**Dinsmore & Shohl LLP**

April 1, 2019 is the first day U.S. Citizenship and Immigration Services (USCIS) may accept H-1B specialty worker...

Court Orders Stay of Order Declaring Individual Mandate Unconstitutional and Inseverable Texas**Cozen O'Connor**

We previously reported that District Court Judge Reed O'Connor of the Northern District of Texas declared on December 14, 2018 (1) that the Affordable...

Government shutdown affects antitrust and CFIUS reviews of transactions**Hogan Lovells**

After Congress failed to enact appropriations legislation, the United States federal government partially shut down beginning at midnight on 22...

New Covered Agreement on Insurance and Reinsurance Prudential Measures: Covered Agreement between the United States and the United Kingdom Is Designed to Provide Market Continuity and Regulatory Certainty for U.S. and U.K. Insurers Post-Brexit**Sullivan & Cromwell LLP**

On December 19, 2018, the United States and the United Kingdom ("U.K.") jointly announced the signing of the Bilateral Agreement between the United...

Recruitment and placement of seafarers in El Salvador

Arias

On February 20, 2018, Congress approved Legislative Decree Number 914, which contains the "Special Regulatory Law for the Recruitment and Placement...

Two Weeks and Counting: How Will the Federal Court System Handle the Ongoing Government Shutdown?**Troutman Sanders LLP**

More than two weeks have passed since the government shutdown began on December 22, 2018, and there is still no immediate end in sight. President...

The 2019 U.S. Federal Government Shutdown and its Potential Impact on Biologics**Patterson Belknap Webb & Tyler LLP**

On December 22, 2018, the United States federal government entered a partial shutdown, which now enters its 19th day. If the shutdown continues...

Washington Tax Update: Congress, Treasury, Global Potomac Law Group PLLC

Congress returned to work on January 3rd, with the Democrats taking over control of the House and Nancy Pelosi (D-CA) as the...

Government Shutdown Does Not Postpone Product Safety Reporting Obligations**Crowell & Moring LLP**

Do not assume a government shutdown means that reporting obligations at the CPSC are on hold. While the Commission's staff designated as essential...

BYOB - It's a Jersey Thing New Jersey**Cole Schotz PC**

New Jersey restaurant and club owners who do not possess a coveted New Jersey liquor license can now advertise that they allow customers to bring...

Top 5 Predictions for UK White Collar Defence in 2019**Greenberg Traurig LLP**

In September 2018, the new Serious Fraud Office (SFO) Director Lisa Osofsky indicated various areas of focus for her tenure. Speeches given in Ms...

Incoming! Private Sector Should Anticipate a Wave of Investigations From the New Democratic House of Representatives**O'Melveny & Myers LLP**

The 116th Congress was sworn in today, officially shifting control of the House of Representatives to the Democratic Party for the first time in...

Congress: Week in Review | January 3, 2019**McGuireWoods Consulting LLC**

The partial government shutdown entered its 13th day this morning amid the standoff between the President and Congress over his request for \$5 billion...

FERC Commissioner McIntyre Passes Away

Morgan Lewis

The passing of Federal Energy Regulatory Commission (FERC) Commissioner and former Chair Kevin McIntyre on January 2 is noted with regret, and with...

Partial Government Shutdown Disrupts Federal Register

Morgan Lewis

The Office of the Federal Register (OFR) is impacted by the partial government shutdown, and is now operating under the special procedures set forth...

Check Please: New Requirements for Massachusetts Tipped Employees

Massachusetts

Littler Mendelson PC

The Massachusetts Attorney General's Office recently published guidance regarding how a new tipped-employee law is to be applied. Employers must now...

As the Commercial Market Expands Government Terrorism Mechanisms Pull Back

Northern Ireland

Squire Patton Boggs

In response to the terrorist attacks of the 2000s, a number of governments established insurance-like mechanisms to address the catastrophic effects...

EC Sets Contingency Plan for No-Deal Brexit

Katten Muchin Rosenman LLP

The European Commission unilaterally implemented a "no-deal" contingency plan in the event that a Brexit withdrawal agreement is not signed by March...

The Weekly Hill Update

Baker & Hostetler LLP

The 116th Congress convenes for its first full week of session, with no end in sight to a standoff over border wall funding that has shut down about...

Government Shutdown Increasing E-Verify Employers' I-9 Tasks

Dickinson Wright

As the impasse continues regarding government funding, E-Verify employers are left with an ongoing challenge to keep track of Forms I-9 that they...

The Writing is on the Wall: A \$15 Minimum Wage Edges Toward the New Normal

Ford & Harrison LLP

As Democrats take over the House of Representatives this month, some will be pushing to increase the federal minimum wage, which has remained stagnant...

The State AG Report Weekly Update January 3, 2019

Cozen O'Connor

Former Kentucky AG Greg Stumbo, a Democrat, announced his candidacy for Kentucky AG in 2019. Stumbo is an attorney in private practice who previously...

The Child Victim Act: Latest Developments As the Legislature Convenes New York

Seyfarth Shaw LLP

Democrats now control both houses of the New York Legislature as well as the Governor's office. A host of legislation may be in the offing. One...

How Did We Get Here? A Quick Look at North Carolina Occupational Licensing Legislation North Carolina

Ward and Smith, P.A.

During the past four years, numerous bills concerning North Carolina's occupational licensing boards have been proposed, but few have passed in the...

Federal Government Partial Shutdown Update

Smith Currie & Hancock

Now in its third week, the partial shutdown of the Federal Government has left many contractors unsure of how to proceed and, once the shutdown ends...

New House Democratic Majority Proposes Aggressive Antitrust Scrutiny

King & Spalding LLP

The new House Democratic majority sworn in last Thursday intends to ramp up antitrust oversight, pledging to "crack down on corporate monopolies and..."

Taxation & Representation, January 8, 2019

Brownstein Hyatt Farber Schreck LLP

Welcome to the 116th Congress! Congressional members have been sworn in and are back in Washington. The big caveat — the U.S. government remains shut...

2018 Protest Roundup

Morrison & Foerster LLP

In this post, we not only provide our regular recap of key protest decisions from December 2018, but also discuss some of the key decisions from 2018...

FCC Shut Down Procedures Go Into Effect January 3, 2019

Potomac Law Group PLLC

The Federal Communication has suspended most operations beginning mid-day on Thursday, January 3, 2019, as it announced it would, due to a lapse in...

New Farm Bill Expands, Extends RBIC Program Through 2023
McGuireWoods LLP

The new Agriculture Improvement Act of 2018 (2018-2019 Farm Bill) contains selected revisions to the Rural Business Investment Company (RBIC) program...

The Latest in PETA's Crustacean Crusade
Duane Morris LLP

People for the Ethical Treatment of Animals (PETA) recently filed a complaint alleging Animal cruelty at a Maine lobster processing plant. PETA...

Amazon counterfeit problem, Richemont signs up with Alibaba, and branding turns into blinding: news digest

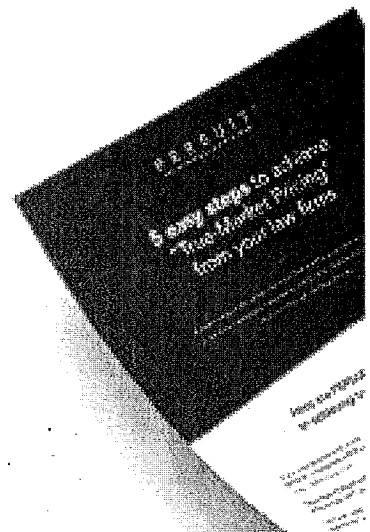
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New gTLD Sunrise Availability January and February 2019
Spruson & Ferguson

Generic top-level domains (gTLD) such as .com, .net and .org typically cycle through a "Sunrise Period" prior to becoming available to the general...

IAM's IP personalities of 2018, part two
IAM

Having began 2018 as a name partner in the strategic IP advisory Quatela Lynch McCurdy, and the CEO of its offshoot Provenance Asset Group, Dan...

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ICT Legal Consulting

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A structured guide to product regulation and liability laws in China

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The EU sheds light on the impact of the GDPR on Non-EU entities**Hergüner Bilgen Özeke**

Non-EU entities have long been speculating to what extent the General Data Protection Regulation will affect business with EU countries. The European...

Demystifying patent analytics in the boardroom Audio**Clarivate Analytics**

Interpreting and understanding the patent landscape for a given technology or industry is essential for commercial IP teams and R&D functions to...

Navigating China's evolving innovation landscape**Clarivate Analytics**

China is the world's major source of patent data today. Its recent growth rate in innovation has been phenomenal, making China critical to the global...

Global Data Protection Predictions 2019**Herbert Smith Freehills LLP**

2018 was a landmark year for data protection and privacy; the EU General Data Protection Regulation ("GDPR") came into effect on 25 May 2018 and...

ICC strives for greater transparency and efficiency in updated practice note to parties and arbitral tribunals on the conduct of arbitration under the ICC rules**Herbert Smith Freehills LLP**

On 20 December 2018, the International Court of Arbitration of the International Chamber of Commerce (ICC) published updated guidance on the conduct...

Jones Day Video: Corporate Tax Audits and Data Protection Regulations**Jones Day**

Partner Chuck Hodges discusses issues related to corporate tax audits and global data protection regulations. He notes that because most corporate...

Public

**Anti-corruption & Bribery in France****Reed Smith LLP**

A structured guide to anti-corruption and bribery in France

Brexit - Practical Contracting Considerations for Suppliers**The Contract Centre GmbH**

At the time of writing, it would be a brave soul who would now predict the ultimate outcome emanating from the Brexit referendum decision (e.g. hard...

Deal or no deal — what happens to my intellectual property rights after Brexit?

UDL Intellectual Property

Brexit is the name most commonly used to refer to the United Kingdom's (UK's) exit from the EU (EU). Following a referendum in June 2016, the UK...

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